

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, pupae, insect fragments, and rodent hair fragments.

DISPOSITION: March 16, 1944. Harry A. Wagner, trading as the Aggressive Sales Co., Los Angeles, Calif., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration.

FRESH VEGETABLES

6355. Misbranding of onions. U. S. v. 500 Sacks of Onions. Consent decree of condemnation. Product ordered released, under bond or upon deposit of cash collateral, to be resacked. (F. D. C. No. 10996. Sample No. 57903-F.)

LIBEL FILED: October 22, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 11, 1943, by Ady & Milburn, Inc., from Crowley, Colo.

PRODUCT: 500 50-pound sacks of onions at New York, N. Y.

LABEL IN PART: (Sack) "A & M 50 lbs. Net Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label, "50 Lbs. Net," was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 1, 1943. Harry Finerman & Co. having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond or upon deposit of cash collateral, conditioned that the sacks be filled to declared weight under the supervision of the Food and Drug Administration.

6356. Misbranding of onions. U. S. v. 800 Sacks of Onions. Consent decree of condemnation. Product ordered released under bond to be resacked. (F. D. C. No. 10997. Sample No. 57912-F.)

LIBEL FILED: October 22, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about October 12, 1943, by the Justman-Frankenthal Co., from Crowley, Colo.

PRODUCT: 800 sacks of onions at New York, N. Y.

LABEL, IN PART: "Scoop Brand 50 Lbs. Onions."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement appearing on the label, "50 Lbs." was false and misleading as applied to an article which was short weight; Section 403 (e) (2), the article was in package form and the label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: November 6, 1943. The claimants, Joseph Justman and Hyman Frankenthal, trading as the Justman-Frankenthal Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be resacked to the declared weight, under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

6357. Misbranding of canned tomatoes. U. S. v. 474 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10899. Sample No. 47238-F.)

LIBEL FILED: October 8, 1943, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 30, 1943, by the Christensen Products Corporation, Weslaco, Tex.

PRODUCT: 474 cases, each containing 6 6-pound, 6-ounce cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: (Can) "Red Crest Tomatoes."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article purported to be a food for which a standard of quality has been prescribed by regulations, but it contained excessive peel, the drained weight was too low, and the color was not of the strength and redness required by the standard; and it did not bear the required substandard legend.